

REC DATE: 01/19/12 REC TIME: 08:27 AM  
COLFAX COUNTY, NM RAYETTA M. TRUJILLO-COUNTY CLERK DOC# 201200158

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RATON-COLFAX COUNTY  
EXTRATERRITORIAL  
ZONING ORDINANCE

JULY 10, 1981

FILED IN MY OFFICE

JUL 14 1981

8:30 A.M.

*Stacey M. Lopez*

COLFAX COUNTY CLERK

The preparation of this ordinance was financed in part through a Comprehensive Planning Grant from the Department of Housing and Urban Development to the New Mexico State Planning Division under Grant No. CPA-NM-1028.

PREAMBLE

RATON-COLFAX COUNTY EXTRATERRITORIAL ZONING ORDINANCE

AN ORDINANCE TO REGULATE AND RESTRICT THE HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS, AND OTHER STRUCTURES, THE PERCENTAGE OF A LOT THAT MAY BE OCCUPIED, THE SIZE OF YARDS, COURTS AND OTHER OPEN SPACES, THE DENSITY OF POPULATION, AND THE LOCATION AND USE OF BUILDINGS, OTHER PURPOSES: AND FOR SAID PURPOSES TO DIVIDE THE EXTRATERRITORIAL AREA INTO DISTRICTS OF SUCH NUMBER, SHAPE, AREA AND FORM BEST SUITED TO CARRY OUT THE PURPOSES OF THIS ORDINANCE; AND WITHIN SUCH DISTRICTS TO REGULATE OR RESTRICT THE ERECTION, CONSTRUCTION, RECONSTRUCTION, ALTERATION, OR USE OF BUILDINGS, STRUCTURES OR LANDS; TO PROVIDE FOR THE ADMINISTRATION, AND INTERPRETATION OF SAID REGULATIONS, TO PROVIDE FOR APPEALS, TO PROVIDE FOR AMENDMENTS, TO PROVIDE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS; AND TO PROVIDE FOR ITS ENFORCEMENT; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HEREWITH; AND, PROVIDING FOR SEVERABILITY.

TABLE OF CONTENTS

PAGE

PREAMBLE			
ARTICLE I: GENERAL STATEMENTS			
Section 1. TITLE			1
Section 2. ADOPTING AUTHORITY			1
Section 3. PURPOSES			1
Section 4. JURISDICTION			2
Section 5. APPLICATION			3
Section 6. INTERPRETATIONS AND CONFLICTS			4
Section 7. SEVERABILITY			4
ARTICLE II: ADMINISTRATION			
Section 1. EXTRATERRITORIAL ZONING AUTHORITY			5
Section 2. EXTRATERRITORIAL ZONING COMMISSION			9
Section 3. EXTRATERRITORIAL ZONING ORDINANCE			12
Section 4. EXTRATERRITORIAL ZONING ENFORCEMENT OFFICER			16
ARTICLE III: RULES OF CONSTRUCTION AND DEFINITIONS			
Section 1. INTERPRETATION OF CERTAIN WORDS AND TERMS			18
Section 2. DEFINITIONS			18
ARTICLE IV: ESTABLISHMENT OF DISTRICTS			
Section 1. USE DISTRICTS			24
Section 2. DISTRICT BOUNDARIES			24
Section 3. INTERPRETATION OF DISTRICT BOUNDARIES			24
ARTICLE V: ZONING DISTRICT REQUIREMENTS			
Section 1. R-HZ -- RURAL HOLDING ZONE			26
Section 2. R-1 -- RESIDENTIAL DISTRICT			27
Section 3. R-4 -- RESIDENTIAL DISTRICT			29
Section 4. R-5 -- RESIDENTIAL DISTRICT			30
Section 5. RM-1 -- MULTI-FAMILY RESIDENTIAL DISTRICT			32
Section 6. MHS -- MOBILE HOME SUBDIVISION			33
Section 7. MHP -- MOBILE HOME PARK			34
Section 8. R-0-I -- RESIDENTIAL, OFFICE AND INSTITUTIONAL DISTRICT			35
Section 9. C-2 -- GENERAL COMMERCIAL DISTRICT			37
Section 10. C-3 -- GENERAL AND HIGHWAY SERVICING DISTRICT			38
Section 11. SC -- PLANNED SHOPPING CENTER DISTRICT			40
Section 12. L-I -- LIGHT INDUSTRIAL DISTRICT			42
Section 13. H-I -- HEAVY INDUSTRIAL DISTRICT			44

TABLE OF CONTENTS

	<u>PAGE</u>
ARTICLE VI: PLANNED UNIT DEVELOPMENT	
Section 1. GENERAL GUIDELINES	46
Section 2. SUBMITTALS WITH PRELIMINARY APPLICATION	47
Section 3. PROCESSING PRELIMINARY APPLICATION	47
Section 4. PROCEDURE FOR FINAL DEVELOPMENT PLAN	48
ARTICLE VII: REGULATIONS GOVERNING MOBILE HOMES	
Section 1. LOCATION OF MOBILE HOMES	49
Section 2. REQUIREMENTS FOR THE USE OF MOBILE HOMES ON INDIVIDUAL LOTS	49
ARTICLE VIII: OFF-STREET PARKING AND LOADING	
Section 1. OFF-STREET PARKING AND STORAGE	51
Section 2. SPECIAL USE PERMITS FOR NON-RESIDENTIAL OFF-STREET PARKING IN RESIDENTIAL ZONES	54
Section 3. LOADING AND UNLOADING REQUIREMENTS	55
ARTICLE IX: EXCEPTIONS, NONCONFORMING USES, AND SPECIAL USES	
Section 1. EXCEPTIONS AND MODIFICATIONS	56
Section 2. NONCONFORMING USES	57
Section 3. SPECIAL USES	59
ARTICLE X: USE PERMITS	
Section 1. USE PERMITS	60
ARTICLE XI: CERTIFICATION OF ADOPTION	
Section 1. HEARING	63
Section 2. ADOPTION	63
Section 3. FILING AND RECORDING	64
Section 4. EFFECTIVE DATE	64

ARTICLE I  
GENERAL STATEMENTS

Section 1. TITLE

This ordinance shall be called the "Raton-Colfax County Extraterrestrial Zoning Ordinance".

Section 2. ADOPTING AUTHORITY

This ordinance is enacted to establish and carry into effect the several powers, duties, and privileges conferred upon the municipality known as the City of Raton, and the County of Colfax, in, under, and by an Act of the New Mexico State Legislature known as Sections 3-21-1 through 3-21-14, both inclusive, New Mexico Statutes Annotated, (1978), being laws 1965, ch. 300, together with acts amendatory thereof, and supplementary thereto, including the designation of the municipality, which shall be hereinafter referred to as the City of Raton, and the County of Colfax, as zoning authorities.

Section 3. PURPOSES

A. This ordinance is intended to promote health, safety, morals, and the general welfare, and may regulate and restrict the following:

1. height, number of stories and size of buildings and other structures;
2. percentage of a lot that may be occupied;
3. size of yards, courts and other open space;
4. density of population; and
5. location and use of buildings, structures, and land for trade, industry, residence and other purposes.

B. For said purposes shall:

1. divide the territory under Joint Raton-Colfax County Zoning Authority jurisdiction into districts of such number, shape,

area and form as is necessary to carry out the purposes of Sections 3-21-1 through 3-21-14 N.M.S.A., 1978 compilation; and

2. regulate or restrict the erection, construction, reconstruction, or use of buildings, structures or land in each district. All such regulations shall be uniform for each class or kind of buildings within each district, but regulations in one district may differ from regulation in another district.
3. provide for the administration and interpretation of said regulations;
4. provide, subject to the restrictions of Section 3-21-6 N.M.S.A. 1978 for the manner in which zoning regulations, restrictions and boundaries of districts are:
  - a. determined, established and enforced; and
  - b. amended, supplemented or repealed.

C. Conformance to comprehensive plan

1. This ordinance is in conformance with recommendations of the

City of Raton 1974 Master Plan Update and the 1979 Raton Extraterritorial

Plan, and is designed to:

- a. lessen congestion in the streets or public ways;
- b. secure safety from fire, flood waters, panic and other dangers;
- c. provide health and general welfare;
- d. provide adequate light and air;
- e. prevent the overcrowding of land;
- f. avoid undue concentrations of population;
- g. facilitate adequate provision for the transportation, water, sewerage, schools, parks and other public requirements; and
- h. control and abate the unsightly or undesirable use of buildings or land.

2. Reasonable consideration shall be given, among other things, to the character of the zoning areas and districts, and their peculiar suitability for particular uses, and to conserving the value of buildings and land, and encouraging the most appropriate use of land throughout the jurisdiction.

Section 4. JURISDICTION

- A. This ordinance covers the territory shown on the accompanying

official zoning map. Where any provision contained herein confers certain legal rights upon a property owner, those rights shall extend to any property owner according to that provision, regardless of whether or not the property owner resides within the extraterritorial zoning area.

B. The zoning jurisdiction of this ordinance is determined by the Joint Powers Agreement between the Board of Colfax County Commissioners and the Raton City Commission dated February 2, 1981, and shall be changed only by Joint Powers Agreement. Zoning of property included by a boundary change shall be determined by the Zoning Authority, at the time of boundary change. The location of the municipal boundary shall be kept current on the official zoning map.

#### Section 5. APPLICATION

A. All property is governed according to the zone in which it is located. Any use not designated a permitted or special use in a zone is specifically prohibited from that zone, except as otherwise provided herein.

B. No building or land shall hereafter be used or occupied and no building or structure or part thereof shall be erected, moved or structurally altered except in conformity with the regulations of this ordinance or amendments thereto, for the district in which it is located.

C. No building shall hereafter be erected or altered so as to exceed the height limit, or to exceed the density regulations of this ordinance for the district in which it is located.

D. No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in size so that the lot width or depth, front, side or rear yards, lot area per dwelling or other requirements of this ordinance are not maintained.

E. No part of a yard or other open space required about any building for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard or other open space similarly required for another building.

F. Only one (1) principal building and its customary accessory buildings may hereafter be erected on any lot, except as authorized in the RM-1 Multi Family District.

#### Section 6. INTERPRETATIONS AND CONFLICTS

The regulations of this ordinance are held to include the minimum standards necessary to carry out the purposes of this ordinance. This ordinance is not intended to interfere with, abrogate, or annul any easement, covenant or other agreement between parties or other valid ordinances. Where this ordinance imposes a greater restriction than is imposed by other rules, regulations, easements, covenants, agreements, or ordinances, the provisions of this ordinance control.

#### Section 7. SEVERABILITY

If any section, subsection, paragraph, sentence, clause, phrase or part hereof is declared unconstitutional or invalid, the validation of the remaining portions shall not be affected, since it is the express intent of the Raton-Colfax County Extraterritorial Zoning Authority to pass each section, subsection, paragraph, sentence, clause, phrase or provisions, and every part thereof separately and independently of every other part.



ARTICLE II  
ADMINISTRATION

Section 1. EXTRATERRITORIAL ZONING AUTHORITY

A. Establishment and Organization

1. Pursuant to New Mexico Statutes Annotated, Section 3-21-2 N.M.S.A. (1978), the City of Raton and the County of Colfax did enter into an agreement dated the 2nd day of February, 1981, establishing extra-territorial zoning, an Extraterritorial Zoning Commission, and a Joint Municipal-County Zoning Authority which shall hereafter also be known as the Extraterritorial Zoning Authority.

2. The Extraterritorial Zoning Authority shall consist of two Commissioners from the Board of Colfax County Commissioners, and one member of the Raton City Commission.

3. The members of the Extraterritorial Zoning Authority shall serve at the pleasure of the body appointing them.

4. Members of the Extraterritorial Zoning Authority shall disqualify themselves from participation or voting on any matter which would result in substantial change in the value of their real estate interest, or the real estate interest of any person related to them, or would, in any other way, be a conflict of interest.

B. Powers and Duties

Pursuant to N.M.S.A. 1978, 3-21-1 through 3-31-11, the Extraterritorial Zoning Authority receives certain powers and duties including that to:

1. adopt and enforce this ordinance;
2. hear and take appropriate action on variances and appeals;
3. appoint a commission to administer this ordinance and recommend action to the Extraterritorial Zoning Authority.

C. Meetings

1. Meetings of the Extraterritorial Zoning Authority shall be held at the call of the chairman, and at such other times as the Extraterritorial Zoning Authority may determine. The Extraterritorial Zoning Authority shall keep minutes of its proceedings showing the vote upon each question, and shall keep records of its examination and other official actions all of which shall be filed in the office of the Extraterritorial Zoning Enforcement Officer.

2. Meetings of the Extraterritorial Zoning Authority shall be open to the public as required by state law, with the news media being properly notified.

D. Appeals to the Extraterritorial Zoning Authority

1. The Extraterritorial Zoning Authority shall provide by resolution the procedure to be followed in considering appeals allowed by this section.

2. Any aggrieved person or any officer, department, board or bureau of the Extraterritorial Zoning Authority affected by a decision of an administrative officer, commission or committee in the enforcement of Sections 3-21-1 through 3-21-14 N.M.S.A. 1978, or ordinance, resolution, rule or regulation adopted pursuant to these sections may appeal to the Extraterritorial Zoning Authority. An appeal shall stay all proceedings in furtherance of the action appealed unless the officer, commission or committee from whom the appeal is taken certifies that by reason of facts stated in the certificate, a stay would cause imminent peril of life or property. Upon certification, the proceedings shall not be stayed except by order of district court after notice to the official, commission or committee from whom the appeal is taken and a due cause shown.

3. When an appeal alleges that there is error in any order, requirement, decision or determination by an administrative official, commission or committee in the enforcement of Section 3-21-1 through 3-21-14 N.M.S.A. 1978, or any ordinance, resolution, rule or regulation adopted pursuant to these sections, the Extraterritorial Zoning Authority by a majority vote of all its members may:
- a. authorize, in appropriate cases and subject to appropriate conditions and safeguards, special exceptions to the terms of the zoning ordinance or resolutions:
    - (1) which are not contrary to the public interest;
    - (2) where, owing to special conditions, a literal enforcement of the zoning ordinance will result in unnecessary hardships; and
    - (3) so that the spirit of the zoning ordinance is observed and substantial justice done; or
  - b. in conformity with Sections 3-21-1 through 3-21-14 N.M.S.A.

1978:

- (1) reverse any order, requirement, decision or determination of an administrative official, commission or committee;
- (2) decide in favor of the appellant; or
- (3) make any change in any order, requirement, decision or determination of an administrative official, commission or committee.

#### E. Variances

- 1. Every property owner within the extraterritorial zoning area shall have the right to apply to the Extraterritorial Zoning Authority for a variance from the Extraterritorial Zoning Ordinance when the property owner can show an exceptional situation or condition relating to the property such that the strict enforcement of the Zoning Ordinance would constitute an unreasonable hardship upon the owner of such property.
- 2. Prior to granting any variance from the Extraterritorial Zoning Ordinance, the Extraterritorial Zoning Authority shall hold a public

meeting and shall determine that:

- a. The granting of the variance will not be injurious to the public health, safety, morals, and general welfare of the community;
- b. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
- c. The need for the variance arises from some conditions peculiar to the property involved and such condition is not due to the general conditions of the neighborhood.
- d. The literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.
- e. The grant of the variance would be within the spirit, intent, purpose and general plan of the Extraterritorial Zoning Ordinance. Absent a showing of extreme hardship or a complete loss of any financial benefit in the property, the Extraterritorial Zoning Authority shall not approve a request for a variance where the applicant purchased the property after the effective date of the Extraterritorial Zoning Ordinance and the condition requiring the variance was in existence at the time of the purchase.

3. The Extraterritorial Zoning Authority shall by resolution adopt and set forth the procedures to be followed on all variance applications.
4. Following the denial of any application for a variance from the Extraterritorial Zoning Ordinance, the applicant for the variance shall not reapply to the Extraterritorial Zoning Authority for the same variance on the same property for a period of one year. This restriction on reapplying

for a variance from the Extraterritorial Zoning Ordinance does not in any way limit or restrict the right of the applicant to appeal the denial by the Extraterritorial Zoning Authority of his request for a variance to the District Court, said procedure for appeal as hereinafter set forth.

F. Appeals to District Court

1. Any person aggrieved by a decision of the Extraterritorial Zoning Authority or any officer, department, board or bureau of the Extraterritorial Zoning Authority may present to the district court a petition, duly verified, setting forth that the decision is illegal, in whole or in part, and specifying the grounds of illegality. The petition shall be presented to the court within thirty days after the decision is entered in the records of the clerk of the Extraterritorial Zoning Authority.

Section 2. EXTRATERRITORIAL ZONING COMMISSION

A. Establishment and Organization

1. Pursuant to an agreement dated the 2nd day of February, 1981, the City of Raton and the County of Colfax did enter into an agreement establishing an Extraterritorial Zoning Commission, which shall hereafter be also known as the Raton-Colfax County Extraterritorial Zoning Commission, consisting of two members appointed by the Raton City Commission and two members appointed by the Board of Colfax County Commissioners.

2. The four Extraterritorial Zoning Commission members appointed by the Raton City Commission and the County Commissioners, as required, did appoint one additional member from an area of the County not within the zoning jurisdiction of the municipality or within the area of the County affected by the proposed Extraterritorial Zoning Ordinance. Said member was and must be appointed by a majority vote of the members appointed by the Board of Colfax County Commissioners and the Raton City Commission.

3. The members of the Extraterritorial Zoning Commission shall serve at the pleasure of the body appointing them and shall be appointed for terms as follows. Of the two members of the Extraterritorial Zoning Commission initially appointed by the City, one member shall be appointed for a two year term and one member shall be appointed for a one year term, in order that the members have staggered terms with holdover members for the purposes of the continuity. The two members of the Extraterritorial Zoning Commission initially appointed by the County shall be appointed under the same arrangement involving staggered terms as the members of said commission appointed by the City. The member of said commission appointed by the majority of the other zoning commissioners shall be appointed for a two year term. Subsequent appointments shall all be for two year terms.

4. Members of the Raton-Colfax County Extraterritorial Zoning Commission shall disqualify themselves from participation or voting on any matter which would result in the substantial change in the value of their real estate interest or the real estate interest of any person related to them, or would, in any other way, be a conflict of interest.

B. Powers and Duties

1. The Raton-Colfax County Extraterritorial Zoning Commission shall administer the Zoning Ordinance adopted by the Extraterritorial Zoning Authority in the manner provided in subsection B of Sections 3-21-4, and subsection C of 3-21-7, N.M.S.A. 1978.

2. The Extraterritorial Zoning Commission shall recommend the boundaries of the various original districts and the regulations necessary to enforce the zoning restrictions.

3. The Extraterritorial Zoning Commission shall make a preliminary

report before the report is submitted to the Extraterritorial Zoning Authority for action.

4. The Raton-Colfax County Extraterritorial Zoning Commission shall be the initial hearing body for all proceedings requesting variations from existing zoning requirements, applications for changes for zoning, and appeals from determinations of the Extraterritorial Zoning Enforcement Officer. In all such situations the Extraterritorial Zoning Commission shall conduct a public hearing at a regularly scheduled meeting, and shall thereafter submit its findings and recommendations to the Extraterritorial Zoning Authority. The recommendation shall be either for approval, for conditional approval, or for disapproval, and shall contain a brief summary of the reasoning behind the recommendations and any conditions of approval.

5. The Extraterritorial Zoning Commission shall act in an advisory capacity to the Extraterritorial Zoning Authority in any appeal taken under the provisions of this ordinance, but shall exercise no judicial or legislative authority in so doing. For that purpose it shall be the duty of the Zoning Commission to hold an open hearing on all matters appealed to the Extraterritorial Zoning Authority.

Each party to the appeal shall be given three days notice in writing of such hearing.

6. It shall be the duty of the Extraterritorial Zoning Enforcement Officer to present a statement of the controversy being appealed to the Extraterritorial Zoning Commission. Any aggrieved person, any officer, department, board or bureau of the Extraterritorial Zoning Authority affected by the decision appealed shall have the right to be heard before the Zoning Commission.

7. The Extraterritorial Zoning Commission shall have the power to promulgate rules and regulations governing hearings held by it under this article, subject to the review and approval of the Zoning Authority. At the conclusion of the hearing, the Zoning Commission shall, by a majority vote, recommend to the Zoning Authority that the action appealed from either be sustained, reversed or reversed in part. Such recommendations shall be advisory only and may be considered by the Zoning Authority in considering the appeal, but shall not be binding upon it.

8. Nothing herein contained shall prevent the Zoning Authority from hearing and determining any appeal taken under this ordinance without having received the recommendation of the Extraterritorial Zoning Commission, if a report by the Commission has not been submitted to the Zoning Authority within sixty days from filing of the notice of appeal as provided for in paragraph 5 above.

C. Meetings

1. Meetings of the Extraterritorial Zoning Commission shall be held at the call of the Chairman, and at such other times as the Zoning Commission may choose. Meetings of the Extraterritorial Zoning Commission shall be open to the public, with the news media being properly notified.

Section 3. EXTRATERRITORIAL ZONING ORDINANCE

A. Determination

1. The provisions of the Raton-Colfax County Extraterritorial Zoning Ordinance shall be determined by the Extraterritorial Zoning Commission and adopted by the Extraterritorial Zoning Authority.

B. Establishment

1. This ordinance is enacted to establish and carry into effect the several powers, duties and privileges conferred upon the City of Raton



and Colfax County, in, under, and by Act of the New Mexico State Legislature, known as Section 3-21-1 through 3-21-14, both inclusive, New Mexico Statutes Annotated (1978).

C. Official Zoning Map

1. The Official Raton-Colfax County Extraterritorial Zoning Map, together with all explanatory matter thereon, are hereby adopted by reference and declared to be an official record and a part of these Zoning Regulations.

2. Said maps shall be identified as such by the signature of the Chairman of the Raton-Colfax County Extraterritorial Zoning Authority and attested by the Secretary of the Zoning Authority.

3. Whenever amendments or changes are made in zoning district boundaries, such amendments or changes shall be made promptly on the Official Zoning Map.

4. The Official Zoning Map shall be maintained on file in the offices of the City Clerk and County Clerk.

D. Enforcement Authority

1. This ordinance shall be enforced by the Raton-Colfax County Extraterritorial Zoning Authority.
2. In addition, if any building or structure is erected, constructed, reconstructed, altered, converted, or maintained; or any building, structure or land is used in violation of Sections 3-21-1 through 3-21-14 N.M.S.A. (1978), or this ordinance, the Extraterritorial Zoning Authority may institute any appropriate action or proceedings to:
  - a. prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use;
  - b. restrain, correct or abate the violation;
  - c. prevent the occupancy of such building, structure, or land; or

d. prevent any illegal act, conduct, business, or use in or about such premises.

#### E. Enforcement Jurisdiction

1. This ordinance may be enforced by prosecution for violation in any court of competent jurisdiction of Colfax County.

F. Any person, firm or corporation violating any of the provisions of this ordinance, after ten days written notice of violation mailed to the last known address of the property owner, shall upon conviction be punishable by a fine not exceeding three-hundred dollars or imprisonment in the county jail not to exceed ninety days, or both such fine and imprisonment. Each day's violation shall be considered a separate offense.

#### G. Amendments and Changes

1. In amending the number, shape, boundary or area of any district or any regulations pertaining to any district, or any article or section of this ordinance, the procedure shall be as follows:

2. A zoning amendment may be proposed by the Raton-Colfax County Zoning Authority, the Raton-Colfax County Extraterritorial Zoning Commission, or by a real property owner in the area to be included in the proposed amendment.

3. Application for a requested amendment, including applications for variances and special use permits, shall be made in writing to the Extraterritorial Zoning Enforcement Officer upon the prescribed forms at least seven (7) calendar days before a regular Extraterritorial Zoning Commission meeting at which time plans for a public hearing will be made.

4. An amendment may become effective only after a public hearing at which all parties and citizens shall have an opportunity to be heard. In scheduling a public hearing, the Extraterritorial Zoning Commission shall cause to be published one notice in a newspaper of general circulation

within the jurisdiction of the Zoning Authority at least fifteen (15) days prior thereto, which notice shall state the time, date and place of hearing. Whenever a change in zoning is proposed for an area of one block or less, notice of the public hearing shall be mailed by certified mail, return receipt requested, to the owners, as shown by the records of the Colfax County Treasurer, of lots or land within the area proposed to be changed by a zoning regulation and within one hundred feet, excluding public right-of-way, of the area proposed to be changed by zoning regulations. Whenever a change in zoning is proposed for an area of more than one block, notice of the public hearing shall be mailed by first class mail to the owners, as shown by the records of the Colfax County Treasurer, of lots or land within the area proposed to be changed by a zoning regulation and within one hundred feet, excluding public right-of-way, of the area proposed to be changed by zoning regulation. If the notice by first class mail to the owner is returned undelivered, the Zoning Authority shall attempt to discover the owner's most recent address and shall remain the notice by certified mail, return receipt requested, to that address.

5. If the owners of twenty percent or more of the area of the lots and land included in the area proposed to be changed by a zoning regulation or within one hundred feet, excluding public right-of-way, of the area proposed to be changed by a zoning regulation, protest in writing the proposed change in the zoning regulation, the proposed change in zoning shall not become effective unless the change is approved by a two-thirds vote of all the members of the Extraterritorial Zoning Authority.

6. Where applicable, the application to amend shall include an accurate site plan showing location and dimensions of all existing and proposed improvements to the property, and any related information required

by the Extraterritorial Zoning Enforcement Officer. Following the date established for public hearing on any proposed amendment, the Extraterritorial Zoning Commission may refuse to accept another application for the same amendment for a period of one year.

7. The Extraterritorial Zoning Authority shall establish a schedule of fees, charges and a collection procedure for Amendments, Special Use Permits, Variances, Use Permits, and other matters pertaining to these regulations. This schedule of fees shall be posted in the offices of the County Clerk and the City Clerk and may be altered or amended only by the Extraterritorial Zoning Authority.

#### Section 4. EXTRATERRITORIAL ZONING ENFORCEMENT OFFICER

##### A. Establishment and Organization

1. The position of Extraterritorial Zoning Enforcement Officer is hereby established.

2. The Extraterritorial Zoning Enforcement Officer shall be appointed by and serve at the pleasure of the Raton-Colfax County Extraterritorial Zoning Authority.

##### B. Duties

1. The Extraterritorial Zoning Enforcement Officer's duties shall include, but not be limited to, seeing that the requirements of the Raton-Colfax County Extraterritorial Zoning Ordinance, regulations, and extraterritorial plans are carried out and enforced.

2. The Extraterritorial Zoning Enforcement Officer shall maintain an office from which to supply the public with information about the various regulations, ordinances, etc.

3. Said Officer shall issue Use Permits as provided for herein, make inspections, and carry out other duties of the office as directed by

the Extraterritorial Zoning Commission.

4. On matters requiring the action of the Extraterritorial Zoning Commission, where they are required to review specific findings before taking action on the application or proposal, said officer shall notify the applicant of the time and place of the hearing at least five days in advance of the hearing date. The applicant shall be advised of the result of the hearing, and zoning commission action.

#### C. Authority

1. The Zoning Enforcement Officer shall have the authority to enter upon the premises for the purpose of inspection, provided however, that no building shall be entered without the consent of the owner or occupant, or unless properly authorized.
2. In the event any building or structure is erected, constructed, reconstructed, altered, converted, or maintained; or any buildings, structure or land is used in violation of this ordinance, said officer, in addition to other remedies, may, at the direction of the Extraterritorial Zoning Authority, institute any appropriate action or proceedings to prevent such unlawful action, to restrain, correct, or abate such violation; to prevent the occupation of such building, structure or land, or to prevent any illegal act, conduct, business, or use in or about such premises.
3. Before acting on any request, the Extraterritorial Zoning Enforcement Officer, the Extraterritorial Zoning Commission, or the Extraterritorial Zoning Authority may request an opinion from any person or agency concerned with the proposed request to determine if the request conforms with the Zoning Ordinance.

ARTICLE III  
RULES OF CONSTRUCTION AND DEFINITIONS

Section 1. INTERPRETATION OF CERTAIN WORDS AND TERMS

In the construction of the Raton-Colfax County Extraterritorial Zoning Ordinance, the following rules shall be observed unless the construction would be inconsistent with the manifest intent of the regulations:

Words used in the present tense include the future tense.

Words used in the singular number include the plural, and words used in the plural number include the singular.

The word "person" includes a firm, association, organization, partnership, corporation, trust and company as well as an individual.

The word "lot" includes the word "plot" or "parcel".

The word "building" includes the word "structure".

The word "shall" is always mandatory and not directory.

The words "used" or "occupied" as applied to any land or buildings shall be construed to include the words "intended", "arranged", or "designed to be used or occupied".

Section 2. DEFINITIONS

**AGRICULTURE.** The use of land for conducting a "farm", and/or "ranch" operation (as said terms are hereinafter defined).

**ALLEY.** A dedicated public way which affords a secondary means of access to abutting property.

**APARTMENT.** A building containing three or more dwelling units, rented, leased or intended to be rented or leased.

**BILLBOARD.** A structure of any kind erected or maintained for outdoor advertising purposes, upon which any poster, bill, printing, or other advertising of any kind whatsoever may be placed, including statuary, for advertising purposes.

**BLOCK.** A single unit of land having an area of 90,000 square feet.

**BOARDING OR LODGING HOUSE.** Any building containing a single dwelling unit or kitchen and one or more but not more than five guest rooms where lodging for non-transients is provided with or without meals for compensation.

**BUILDING.** Any structure having a roof supported by columns or by walls and intended for shelter, housing or enclosure for persons or animals.

**BUILDABLE AREA.** That portion of a lot upon which buildings may be placed, excluding required yards and limited by the maximum lot coverage by all buildings in the schedule of district regulations (see definition of Lot Coverage).

**BUILDING, ACCESSORY.** A building subordinate to the main building on a lot and used for purposes customarily incidental to the main or principal building and located on the same lot therewith, to include portable buildings, metal buildings, sheds, and detached garages.

**BUILDING, FRONTAGE.** For the purpose of computation of number and area of signs permitted on buildings, in cases where lineal feet of building is a determinant, the frontage of a building shall be computed as the horizontal distance across the front as nearly at ground level as computation of horizontal distance permits. In cases where this test is indeterminate or cannot be applied, as for instance where there is a diagonal corner entrance or where two or more sides of a building have entrances of equal importance and carry approximately equal amounts of pedestrian traffic, the administrative official shall select the building frontage on the basis of the interior layout of the building, traffic on adjacent streets, or other indicators available.

**BUILDING, HEIGHT OF.** The vertical distance from the average sidewalk or street grade, or finished grade of the building line, whichever is the highest to the highest point of the building.

**BUILDING, PRINCIPAL.** A building in which is conducted the main or principal use of the lot on which said building is situated.

**BUILDING LINE.** See definition of Setback Line.

**CONDOMINIUM.** An individually owned unit in a multiple family dwelling the common areas of which are held as a tenancy in common by all tenants (47-7-1 through 47-7-28 N.M.S.A., 1978).

**COURT.** An unoccupied open space, other than a yard, on the same lot with a building, which is bounded on two or more sides by the walls of such building or buildings.

**COVENANT.** A legal agreement between persons or parties restricting the use of land.

**DISTRICT.** Any section of the Extraterritorial area for which the regulations governing the use of buildings, permits, or the height, area and density of buildings are uniform.

**DWELLING.** Any building designated or used as the living quarters for one or more families, but not including hotel, motel, boarding or lodging house or mobile home.

DWELLING, SINGLE FAMILY. A detached residence designed for or occupied by one (1) family only.

DWELLING, TWO FAMILY. A residence designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each.

DWELLING, MULTIPLE FAMILY. A residence designed for or occupied by three (3) or more families, with separate housekeeping and cooking facilities.

EXTRATERRITORIAL ZONING ENFORCEMENT OFFICER. For the purpose of this ordinance, the person designated by the Raton-Colfax County Extra-territorial Zoning Authority to enforce this ordinance.

FAMILY. An individual or two more persons related by blood or marriage or a group of not more than five persons who need not be related by blood or marriage living together in a dwelling unit.

FARM. An area which is used for growing, raising, producing, and/or storage of agriculture products on a commercial basis, such as timber, livestock, poultry and foodstuffs. The term farm includes the following operations:

- dairy farms;
- treatment and storage of produce as a secondary function;
- residence of those conducting and engaged in the operation;
- roadside stands for sale of farm products;
- sale and distributions of farm products other than agriculture machinery.

A farm shall not include the following:

- commercial feed lots;
- utilizing garbage for feeding as a means of disposal;
- commercial sanitary landfill.

GROSS FLOOR AREA. The total horizontal area of all floors of a building, including interior balconies and mezzanines.

HOTEL OR MOTEL. A building containing six or more guest rooms in which lodging is provided and offered to the public for compensation and which is open to transient guests, together with accessory commercial uses and operated primarily for the convenience of the guests.

HOME OCCUPATION. Any use conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the land for dwelling purposes and does not change the character thereof; provided that no more than one (1) person who is not a resident is employed at the home in connection with the home occupation and provided further that such use does not occupy more than twenty-five (25) percent of the ground floor area of the dwelling.



**JUNK YARD.** Any land or area used, in whole or in part for commercial storage and/or sale of waste paper, rags, scrap, metal, or other junk, and including storage of motor vehicles and dismantling of such vehicles and machinery.

**LOADING SPACE.** An off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials and which abuts upon a street, alley, or other appropriate means of access.

**LOT.** A parcel of land occupied or to be occupied by a main building or group of main buildings and accessory buildings, together with such yards, open spaces, lot width and lot area as are required by this ordinance, either shown on a plat of record, or considered as a unit of property and described by metes and bounds.

**LOT, CORNER.** A lot located at the intersection of and having frontage on two or more streets.

**LOT, COVERAGE.** That percentage of lot area which may be covered by main and accessory buildings, said percentage to be measured within the buildable area. (see definition of Buildable Area).

**LOT DEPTHS.** The mean horizontal distance between front and rear lot lines.

**LOT OF RECORD.** A lot which is part of a subdivision recorded in the office of the County Clerk of Colfax County, or a lot described by metes and bounds, the description of which has been recorded in the office of the County Clerk of Colfax County.

**LOT WIDTH.** The mean horizontal distance between side lot lines measured at the building site.

**MOBILE HOME.** A movable or portable housing structure over thirty-two (32) feet in length or over eight (8) feet in width, constructed to be towed on its own chassis and designed to be installed without a permanent foundation for human occupancy as a residency or for use as an office or other commercial purpose which may include one (1) or more components that can be retracted for towing purposes and subsequently expanded for additional capacity, or two (2) or more units separately towable but designed to be joined into one (1) integral unit, as well as a single unit; except that the definition does not include "trailers" as herein defined or modular or pre-manufactured homes, built to Uniform Building Code standards, designed to be permanently affixed to real property.

**MOBILE HOME PARK.** Any plot of ground under single ownership upon which two or more mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodation.

MOBILE HOME SPACE. A plot of land within a mobile home park designed for the accommodation of one mobile home in accordance with the requirements set forth in this Ordinance.

MOBILE HOME SUBDIVISION. A subdivision designated and developed for long term residential use and intended for sale where the residences are comprised of mobile homes.

NONCONFORMING USE. A legal use of a building and/or of land that antedates the adoption of these regulations and does not conform to the regulations for the zone in which it is located.

PARKING LOT. An open area providing four or more off-street parking spaces.

PARKING SPACE - OFF STREET. An area not in a street or alley, and having an area of not less than 200 square feet exclusive of driveways, permanently reserved for the intermittent storage of one automobile and connected with a street or alley by a driveway which affords ingress and egress for an automobile to be moved.

PUBLIC DRIVE. Any privately-owned road within a Mobile Home Park utilized as access by the residents of the Mobile Home Park, their guests and the public.

RANCH. Agricultural land utilized for the primary purpose of raising and producing livestock. Livestock includes: horses, cattle, sheep and other animals.

RATON-COLFAX COUNTY EXTRATERRITORIAL ZONING AUTHORITY. Consists of two Commissioners from the Colfax County Commission and one Commissioner of the Raton City Commission.

RATON-COLFAX COUNTY EXTRATERRITORIAL ZONING COMMISSION. An advisory commission, two commissioners being duly appointed by the Mayor and two commissioners appointed by the Colfax County Commission and one additional member appointed by the Extraterritorial Zoning Commissioners; whose duty is to initially review and recommend action to the Raton-Colfax County Extraterritorial Zoning Authority.

SETBACK LINE. A line parallel to the front, side or rear property line setting the limits as to where a structure shall be built.

SHOPPING CENTER. A commercial complex of structures consisting of two or more retail enterprises planned for development as a unit to accommodate local shopping needs, and providing off-street parking.

SPECIAL USE. A use permitted in a zoning district only after specific findings by the Extraterritorial Zoning Authority.

STREET. A public thoroughfare which affords principal means of access to abutting property.

STRUCTURE. Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground.

TRAILER. Any vehicle or structure 8' x 32' or less, designed to be transported and intended for human occupancy as a dwelling for short periods of time and containing limited or no kitchen or bathroom facilities. Use of such units are prohibited in a Mobile Home Park as defined by this Ordinance, except when located in a C-3 General and Highway Servicing District.

USE PERMIT. A statement signed by the Extraterritorial Zoning Enforcement Officer setting forth that the buildings, structure, or use complies with the zoning ordinance and that the same may be used for the purpose stated therein.

VARIANCE. A modification or alteration of zoning requirements. This can be done by the Extraterritorial Zoning Authority only after specific finding of fact.

YARD, FRONT. A yard extending across the front of a lot measured from side lot line and to side lot line and lying between the front property line and the front building setback line.

YARD, REAR. A yard extending across the rear of the lot measured from side lot line and lying between the rear property line and the rear building setback line.

YARD, SIDE. A yard extending along either side of a lot measured from front yard line to the rear yard line and lying between the side lot line and the side setback line.

ZONING MAP. A map indicating the officially approved and designated Extraterritorial Zoning Districts.

ARTICLE IV  
ESTABLISHMENT OF DISTRICTS

Section 1. USE DISTRICTS

For the purpose of this ordinance, the area within the Extraterritorial limits of the City of Raton is divided into the following districts:

R-HZ	Rural Holding Zone
R-1	Residential District
R-4	Residential District
R-5	Residential District
RM-1	Multi-Family District
MHS	Mobile Home Subdivision
MHP	Mobile Home Park
R-0-I	Residential, Office & Institutional District
C-2	General Commercial District
C-3	General & Highway Servicing District
SC	Planned Shopping Center District
L-I	Light Industrial District
H-I	Heavy Industrial District

Section 2. DISTRICT BOUNDARIES

The boundaries of these districts are hereby established as shown on a map entitled "Extraterritorial Zoning Map", on file in the offices of the City Clerk and County Clerk. Said map and all explanatory matters thereon accompanies and is hereby made a part of this ordinance as if fully written herein.

Section 3. INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Official Zoning Map, the following rules shall apply:

A. District boundaries indicated as approximately following centerlines of streets, highways or alleys shall be construed to follow such centerlines.

- B. District boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. District boundaries, indicated as approximately following City limits shall be construed as following such City limits.
- D. In the event of annexation of new areas to the City, district boundaries shall be construed as moving with City limits.
- E. District boundaries indicated as following railroad lines shall be midway between the main tracks.
- F. District boundaries indicated as following centerlines of streambeds, other bodies of water or drainageways shall be construed to follow such centerlines.
- G. Where a district boundary is indicated as approximately parallel to the centerline of streets, alleys, or highway rights-of-way, the district boundary shall be construed as being parallel thereto and at a distance therefrom as indicated on the Official Zoning Map. If no distance is given, the distance shall be determined by the use of the scale shown on the Zoning Map.
- H. Whenever any street or alley is vacated in the manner authorized by law, the zoning district adjoining on either side of such street or alley shall be automatically extended to the center of such vacation.
- I. Where natural or man-made features actually existing are at variance with those shown on the Official Zoning Map in other circumstances not covered by Article IV, Section 3, above, the Raton-Colfax County Extraterritorial Zoning Authority shall interpret the district boundaries.

ARTICLE V

ZONING DISTRICT REQUIREMENTS

Section 1. R-HZ - HOLDING ZONE

It is the intent of the R-HZ - Rural Holding Zoning to control development and the extension of city utilities and services. It is also the purpose of this district to prevent the premature or improper development of such lands and so to insure that a reservoir of land is preserved for the subsequent orderly development of the City.

All lands included in this district shall be reviewable on application of the property owner and shall be reviewed by the Extraterritorial Zoning Authority at intervals of no more than five years.

A. Permitted Principal Uses and Structures

Agriculture, including farming and ranching  
Airports and landing fields with prior approval from the  
Federal Aviation Agency  
Cemetaries, including mausoleums  
Golf courses  
Greenhouses, nurseries, and truck gardening  
Single-family dwellings  
Public elementary, junior high and senior high schools  
Churches, convents, monasteries, seminaries and nunneries  
Public parks, playgrounds, playfields and neighborhood  
community and municipal or other public buildings and  
uses in keeping with the character and requirements of  
the district  
Home occupations  
Riding academies and stables  
Guest ranches  
Pump or booster stations along a pipeline or substations  
along an electric transmission line  
Railroad tracks and yards and similar railroad facilities

B. Permitted Accessory Uses and Structures

Uses and structures which:

Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures;

Do not involve the conduct of business on the premises, except home occupations; and

Are located on the same lots as the permitted use or structure, or on a contiguous lot in the same ownership.

C. Special Use

After a Public Hearing, as required in Article II, Section 3, paragraph G-4, other uses may be permitted under a Special Use, if, in the opinion of the Extraterritorial Zoning Authority the proposed use is not offensive or incompatible in keeping with the character of the district.

D. Dimensional Requirements

Lot Area. Minimum required lot area shall be 108,900 square feet or 2½ acres and more.

Lot Corner. See Article IX, Section 1, Paragraph D, for requirements.

Lot Width. Minimum required lot width shall be 150 feet.

Yard Requirements.

Minimum required depth of front yard: 50 feet

Minimum required width of side yard: 50 feet

Minimum required depth of rear yard: 50 feet

Maximum Lot Coverage. Fifteen (15) percent of all buildings.

Building Height. No building shall exceed 35 feet in height, except for flagpoles, antennas, chimneys, and similar accessories to buildings, which are exempt from this height limitation.

E. Off Street Parking and Unloading. Off street parking and unloading shall be provided in accordance with the requirements in Sections 1 and 3 of Article VIII.

SECTION 2. R-1 - RESIDENTIAL DISTRICT

The R-1 Residential District is established in which the principal use of land is for single residences. The zoning regulations of this district are intended to protect existing and proposed residential areas with minimum lot sizes of 43,560 square feet and to encourage the subdivision of surrounding development property into lots with the same minimum square feet.

A. Permitted Principal Uses and Structures

Single family dwelling  
Public, elementary, junior high and senior high schools  
Churches and related uses  
Home occupations  
Public parks, playgrounds, playfields, and neighborhood,  
community and municipal or other public buildings and  
uses in keeping with the character and requirements of  
the district  
Agricultural activities not in conflict with the rural  
residential character as determined by the Extra-  
territorial Zoning Commission

B. Permitted Accessory Uses and Structures

Uses and structures which:  
Are customarily accessory and clearly incidental and  
subordinate to permitted or permissible uses and  
structures  
Do not involve the conduct of business on the premises,  
except home occupations; and  
Are located on the same lots as the permitted use or  
structure, or on a contiguous lot in same ownership

C. Special Use

After a Public Hearing, as required in Article II, Section  
3, paragraph G-4, other uses may be permitted under a Special Use, if, in  
the opinion of the Zoning Authority, the proposed use is not offensive or  
incompatible in keeping with the character of the district.

D. Dimensional Requirements

Lot Area. Minimum required lot area shall be 43,560 square  
feet or one acre.

Lot Corner. See Article IX, Section 1, Paragraph D, for  
requirements.

Lot Width. Minimum required lot width shall be 150 feet.

Yard Requirements.

Minimum required depth of front yard: 25 feet.  
Minimum required width of side yard: 10 feet.  
Minimum required depth of rear yard: 25 feet.



Maximum Lot Coverage.

Single family structures and their accessory buildings shall be 30%. Other permitted or permissible buildings in connection with permitted or permissible uses, including their accessory buildings shall be 30%.

Building Height. No building shall exceed 35 feet in height, except for flagpoles, antennas, chimneys and similar accessories to buildings, which are exempt from this height limitation.

E. Off-Street Parking and Unloading.

Off-street parking and unloading shall be provided in accordance with the requirements of Article VIII, Sections 1 and 3.

Section 3. R-4 - RESIDENTIAL DISTRICT

The R-4 Residential District is established as a district in which the principal use of land is for single family structures. The regulations of this district are intended to provide areas of the community for those persons desiring relatively small residential lots. The regulations are intended to discourage any use which, because of its character, would interfere with the residential nature of this district.

A. Permitted Uses and Structures.

Single family dwellings  
Public, elementary, junior and senior high schools  
Churches and related uses  
Public parks, playgrounds, playfields, and neighborhood,  
community and municipal or other public buildings and  
uses in keeping with the character and requirements of  
the district

B. Permitted Accessory Uses and Structures.

Uses and structures which:  
Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures.  
Do not involve the conduct of business on the premises, except home occupations; and  
Are located on the same lots as the permitted use or structure, or on a contiguous lot in same ownership.

C. Special Use.

After a Public Hearing, as required in Article II, Section 3,

paragraph G-4, other uses may be permitted under a Special Use, if, in the opinion of the Zoning Authority, the proposed use is not offensive or incompatible in keeping with the character of the district.

D. Dimensional Requirements.

Lot Area. Minimum required lot area shall be 10,000 square feet.

Lot Corner. See Article IX, Section 1, Paragraph D, for requirements.

Lot Width. Minimum required lot width shall be 70 feet.

Yard Requirements.

Minimum required depth of front yard: 25 feet.

Minimum required width of side yard: 10 feet.

Minimum required depth of rear yard: 15 feet.

Maximum Lot Coverage.

Single family structures and their accessory buildings shall be 30%. All other permitted or permissible buildings in connection with permitted or permissible uses, including their accessory buildings shall be 30%.

Building Height. No building shall exceed 35 feet in height except for flagpoles, antennas, chimneys and similar accessories to buildings, which are exempt from this height limitation.

E. Off-Street Parking and Unloading.

Off-street parking and unloading shall be provided in accordance with the requirements in Article VIII, Sections 1 and 3.

Section 4. R-5 - RESIDENTIAL DISTRICT

The R-5 - Residential District is established as a district in which the principal use of land is for single family structures. The regulations of this district are intended to provide areas of the community for those persons desiring relatively small residential lots. The regulations are intended to discourage any use which, because of its character, would interfere with the residential nature of this district.

A. Permitted Uses and Structures.

Single family dwellings  
Public, elementary, junior high and senior high schools  
Churches and related uses  
Home occupations  
Public parks, playgrounds, playfields, and neighborhood,  
community and municipal or other public buildings and  
uses in keeping with the character and requirements of  
the district.

B. Permitted Accessory Uses and Structures.

Uses and structures which:

Are customarily accessory and clearly incidental and  
subordinate to permitted or permissible uses and  
structures

Do not involve the conduct of business on the premises,  
except home occupations; and

Are located on the same lots as the permitted use or  
structure or on a contiguous lot in same ownership.

C. Special Use.

After a Public Hearing, as required in Article II, Section  
3, Paragraph G-4, other uses may be permitted under a Special Use, if, in  
the opinion of the Zoning Authority, the proposed use is not offensive or  
incompatible in keeping with the character of the district.

D. Dimensional Requirements.

Lot Area. Minimum required lot area shall be 6,000 square feet.

Lot Corner. See Article IX, Section 1, Paragraph D, for  
requirements.

Lot Width. Minimum required lot width shall be 60 feet.

Yard Requirements.

Minimum required depth of front yard: 25 feet.

Minimum required width of side yard: 8 feet.

Minimum required depth of rear yard: 15 feet.

Maximum Lot Coverage.

Single family structures and their accessory buildings shall

be 30%. Other permitted or permissible buildings in connection with permitted or permissible uses, including their accessory buildings shall be 30%.

Building Height. No building shall exceed 35 feet in height, except for flagpoles, antennas, chimneys and similar accessories to buildings, which are exempt from this height limitation.

E. Off-Street Parking and Unloading.

Off-street parking and unloading shall be provided in accordance with the requirements in Article VIII, Sections 1 and 3.

Section 5. RM-1 - MULTI-FAMILY RESIDENTIAL DISTRICT

This zoning district is intended to permit two and multi-family residences and related uses in keeping with the character of the surrounding area.

A. Permitted Uses and Structures.

Two and multi-family residences.

B. Locational Requirements.

The RM-1 District is permitted in R-5 districts designated on the official map. The Official Zoning Map can be amended by the Extraterritorial Authority to include other areas not now designated.

C. Dimensional Requirements.

Lot Area. Minimum required lot area shall be 8,000 square feet.

Minimum Lot Area per Family Unit.

Two family	4,000 square feet per family unit
Multi family	3,000 square feet per family unit

Lot Corner. See Article IX, Section 1, Paragraph D, for requirements.

Lot Width. Minimum required lot width shall be 60 feet.

Yard Requirements.

Minimum required depth of front yard:	25 feet.
Minimum required width of side yard:	8 feet.
Minimum required depth of rear yard:	15 feet.

Building Height.

No building shall exceed 35 feet except for flagpoles, antennas, chimneys and similar accessories to buildings, which are exempt from this limitation.

D. Off-Street Parking and Loading.

Off-street parking and loading shall be provided according to the provisions in Article VIII, Sections 1 and 3.

Section 6. MHS - MOBILE HOME SUBDIVISION

This district is created as a special use district for the purpose of regulating mobile home subdivisions with the minimum overall land area to be five (5) acres or greater.

A. Permitted Uses and Structures.

Mobile Home units

B. Permitted Accessory Uses and Structures.

Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures.

C. Dimensional Requirements.

Lot Area. Minimum required lot area shall be 6,000 square feet.

Corner Lot. See Article IX, Section 1, Paragraph D, for requirements.

Lot Width. Minimum required lot width should be 60 feet.

Yard Requirements.

Minimum required depth of front yard: 25 feet.

Minimum required width of side yard: 8 feet.

Minimum required depth of rear yard: 15 feet.

D. Off-Street Parking and Unloading. See Article VIII, Sections 1 and 3 for requirements.

E. Required Mobile Home Placement Standards. The placement of individual mobile homes within a MHS District is subject to the following requirements:

Construction. The construction of the mobile home shall comply with the Federal mobile home construction and safety standards in force at the time of manufacture.

Siting. The mobile home unit shall be installed, anchored, and skirted to those standards currently enforced by the State of New Mexico Commerce and Industry Department, Mobile Housing Division.

Section 7. MHP - MOBILE HOME PARK

The MHP Mobile Home Park District is established to provide for medium and high density residential use. The principle use of land is for planned mobile home parks, including mobile homes and other related facilities normally required to provide a balanced and attractive residential area. Safety of the residents, attractiveness, order, and efficiency are encouraged by providing for adequate light and open space for mobile homes and related facilities. The minimum overall land area shall be 2 (two) acres or greater.

A. Permitted Uses and Structures.

Mobile Home Units  
Trailers, but only if MHP is located in a C-3, General and Highway Servicing District.

B. Permitted Accessory Uses and Structures.

Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures.

C. Dimensional Requirements.

Lot Area. Minimum size of mobile home space shall be 4,000 square feet.

Placement of Mobile Home Units. Mobile homes shall be so located on each space that there shall be at least a 20 foot clearance between mobile homes; provided however, that with respect to mobile homes parked end-to-end, the end-to-end clearance may not be less than 20 feet. No mobile home shall be located closer than 10 feet to any building within the park which does not abut upon a public street or highway. No mobile home shall be located closer than 25 feet to any property line of the park abutting upon a public street or highway.

Building Height. No building shall exceed 35 feet in height, except for flagpoles, antennas, chimneys, and similar accessories to buildings, which are exempt from this height limitation.

Open Space. Common open space or park area, excluding public drives shall be provided in accordance with the minimum requirements of 500 square feet per mobile home unit.

D. Off-Street Parking,

Off-street parking and unloading shall be provided in accordance with the requirements in Article VIII, Section 1.

Section 8. R-0-I - RESIDENTIAL, OFFICE AND INSTITUTIONAL DISTRICT

This district is defined as certain lands and structures that provide office space for professional services and for certain institutional functions, and residential accommodations, usually medium or high density in nature. The district normally includes older homes undergoing conversion to those convenience uses permitted below. The district is usually situated between business and residential areas, and the regulations are designed to permit development of the enumerated functions and still protect and be compatible with nearby residential districts.

A. Permitted Uses and Structures.

- Banks and other financial institutions
- Barber or beauty college
- Boarding houses
- Churches, and related uses
- Clinic, medical and dental
- Club or lodge
- Dwelling, Single family
- Dwelling, Two family
- Dwelling, Multi-family
- Funeral homes
- Fire Station
- Home occupation
- Laboratory, medical and dental
- Library
- Photographic studio
- Public parks, playgrounds, playfields, and neighborhood, community and municipal or other public buildings and uses in keeping with the character and requirements of the district.
- Professional offices

B. Permitted Accessory Uses and Structures.

Uses and structures which:

Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures.

Do not involve the conduct of business on the premises, except home occupations; and

Are located on the same lots as the permitted use or structure, or on a contiguous lot in same ownership.

C. Special Use.

After a Public Hearing as required by Article II, Section

3, Paragraph G-4, other uses may be permitted under a Special Use, if, in the opinion of the Zoning Authority, proposed use is not offensive or incompatible in keeping with the character of the district.

D. Dimensional Requirements

Lot Area.

Residential: Single Family	Same as R-5 District Requirements
Two and Multi-Family	Same as RM-1 District requirements
Office & Institutional:	Same as R-5 District requirements

Lot Width.

Residential, Office and Institutional:

Same as R-5 District requirements.

Yard Requirements.

Residential, Office and Institutional:

Same as R-5 District requirements.

Maximum Lot Coverage.

Residential, Office and Institutional:

None, except as required to meet other regulations applicable in this district.

Building Height:

No building shall exceed 35 feet in height except for flagpoles, antennas, chimneys and similar accessories, which are exempt, from this height limitation.

E. Off-Street Parking and Loading.

Off-street parking and loading shall be provided according to the provisions in Article VIII, Sections 1 and 3.



Section 9. C-2 GENERAL COMMERCIAL DISTRICT

The regulations of this district are designed to permit business use along major arterials where uses are undergoing transition from residential to business.

A. Permitted Uses and Structures.

Auditoriums, libraries and museums operated by non-profit organizations  
Single family, two family, and multi-family residences  
Retail stores, sales and display rooms and shops  
Offices  
Hotels and motels  
Financial institutions  
Eating and drinking establishments  
Personal service establishments  
Business service establishments  
Establishments offering repair services on items brought in by customers  
Filling stations  
Amusement and recreation establishments and areas  
Wholesaling from sample stocks only, provided that no manufacturing or storage for distribution shall be permitted on the premises.  
Business schools, studios, vocational schools, not involving processes of a light or heavy industrial nature  
Laboratories and establishments for production and repair of eye glasses, hearing aids, and prosthetic appliances  
Clubs and lodges  
Churches and other religious institutions except elementary and high schools  
Public buildings and lands other than elementary and high schools  
Parking lots and parking garages  
Transportation terminals other than truck terminals  
Manufacturing of handicraft products such as jewelry, pottery, needle work, weaving and the like  
Hospitals

B. Permitted Accessory Uses and Structures.

Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures.

C. Special Use.

After a Public Hearing, as required in Article II, Section 3, Paragraph G-4, other uses may be permitted under a Special Use, if, in the

opinion of the Zoning Authority, the proposed use is not offensive or incompatible in keeping with the character of the district.

D. Dimensional Requirements.

The requirements for residential use shall be the same as in the R-0-I use district. The following are the dimensional requirements for commercial uses.

Lot Area. Other than as provided under "Special Uses" permissible by the Zoning Authority, or as required to meet other requirements applicable in this district, there are no minimum lot requirements.

Yard Requirements.

Minimum required depth of front yard: 25 feet.

Minimum required width of side yard: None

except where adjoining a dwelling district, then same as required in that district.

Minimum required depth of rear yard: 10 feet,

except where adjoining a dwelling district, then same as required in that district.

Maximum Lot Coverage. All structures shall be 60%.

Building Height.

No building shall exceed 35 feet in height, except for flagpoles, antennas, chimneys, and similar accessories to buildings, which are exempt from this height limitation.

E. Off-Street Parking and Loading.

Off-street parking and loading shall be provided in accordance with the requirements in Article VIII, Sections 1 and 3.

Section 10. C-3 GENERAL AND HIGHWAY SERVICING DISTRICT

This district is designed for the major roads leading in and out of Raton. The primary purpose of the district is to provide for retailing of goods and services to passing motorists and local residents. Since the commercial areas in this district are subject to public view, which is a matter of important concern to area residents, provisions should be made to provide for an appropriate appearance.

A. Permitted Uses and Structures.

Retail establishments including incidental manufacturing of goods for sale only at retail on the premises, sales and display rooms and lots, not including yards for storage of new or used building materials or yards for any scrap or salvage operations, or for storage or display of any scrap, salvaged or second-hand materials.

Eating and drinking establishments

Service and repair establishments, including filling stations and repair garages

Personal service establishments, including barber and beauty shops; shoe repair shops, funeral homes; cleaning, dyeing, laundry, pressing, dressmaking, tailoring and garment repair shops with processing on the premises.

Hotels, motels, rooming and boarding houses

Mobile home parks subject to requirements of Article V Section 7.

Commercial recreational uses and structures, such as theaters, bowling alleys, pool rooms, golf driving ranges, and the like

Offices, studios, clinics and laboratories

Financial institutions

Private clubs and lodges

Utilities sub-stations

Veterinary establishments, providing that all animals

shall be kept inside buildings

Public buildings and grounds other than elementary or high schools

Churches

Business and vocational schools not involving operations of an industrial nature

Wholesaling and distribution operations

Greenhouses and plant nurseries

Tire recapping or retreading

B. Special Use.

After a Public Hearing as required in Article II, Section 3,

Paragraph G-4, other uses may be permitted under a Special Use, if, in the opinion of the Zoning Authority, the proposed use is not offensive or incompatible in keeping with the character of the district.

C. Dimensional Requirements.

Lot Area. Minimum required lot area shall be 43,560 square feet or one (1) acre.

Lot Width. Minimum required lot width shall be one hundred (100) feet.

Yard Requirements.

Front Yard: Structures: 25 feet  
Signs 25 feet  
Off-Street Parking: 15 feet

The front 15 feet of the lot shall be left in natural condition or developed as landscaped.

Minimum required width of side yard shall be 15 feet.

Minimum required depth of rear yard shall be 25 feet.

Maximum Lot Coverage.

The maximum lot coverage for principal structure and accessory building shall be 40%.

Building Height.

No building shall exceed 35 feet in height except for flagpoles, antennas, chimneys and similar accessories to buildings, which are exempt from this height limitation.

D. Off-Street Parking and Unloading.

Off-street parking and unloading shall be provided in accordance with the requirements in Article VIII, Sections 1 and 3.

Section 11. SC - PLANNED SHOPPING CENTER DISTRICT

It is the intent of this Ordinance to provide criteria and standards for new neighborhood and community shopping centers in areas not presently zoned for commercial purposes and for enlarging existing commercially zoned areas. The SC Districts are intended for a unified grouping, in one or more buildings, of retail shops and stores that provide for the regular needs and for the convenience of families residing in the adjacent residential neighborhoods or in the larger community, respectively.

A. Permitted Principal Uses and Structures.

Retail establishments, including supermarkets; drugstores; bakeries; meat markets; liquor stores; hardware; paint; wallpaper stores; camera shops; florist shops; gift shops; hobby shops; stationery stores; book stores; apparel shops; shoe stores; variety stores; jewelry stores; stores for sales of gardening supplies and equipment

Eating and drinking establishments  
Personal service establishments, including barber shops; beauty shops; cleaning and laundry agencies; shoe repair shops; repair establishments for household articles and appliances, except those with internal combustion engines; Offices and studios; medical and dental offices and clinics; financial institutions; Provided, however, that all sales, services, storage and display shall be within completely enclosed buildings; that no goods shall be produced except for sale at retail on the premises.

B. Permitted Accessory Uses and Structures.

Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures, as stated and restricted above, and which do not involve operations or structures not in keeping with the character of the district, provided, however, that waste products shall be kept in closed containers, and that the containers shall not be visible from residential areas, from portions of the premises customarily open to customer parking or customer-pedestrian or automotive traffic, or from public ways.

C. Prohibited Uses and Structures.

Signs not relating to the identification of the premises and occupants and to products sold or services rendered on the premises  
Outdoor advertising  
Filling stations  
Outdoor storage, sales, display or service (other than delivery to automobiles, of goods purchased by customers in stores).  
The playing of music or making of announcements directly or through mechanical devices in a manner audible at any residential boundary.  
In general, any uses or structures not of a nature specifically permitted herein.

D. Dimensional Requirements.

Lot Area. Minimum lot area shall be three (3) acres.

Site Development Requirements.

Minimum Requirements. The requirements for minimum yards in SC Districts shall be equivalent to the minimum yard requirements in any adjoining zoning district(s).

Additional Requirements. The Zoning Authority may, as a condition of preliminary or final approval, require specific conditions and safeguards as they deem necessary to insure

that the SC development will not adversely affect surrounding property, and that it will carry out the general objective and purpose of this Ordinance. Such specific conditions and safeguards may include, but not be restricted to:

Setbacks or yard requirements in excess of the minimum requirements.

Landscape development and maintenance, including walkways and ornamental plantings to break up large expanses of pavement in parking lots, and screening for protection of adjoining residential areas.

Screening from view by walls, fences or other construction. Design and placement of outdoor lighting and signs. Design of vehicular and pedestrian facilities.

Building Height. No building shall exceed 35 feet in height except for flagpoles, antennas, chimneys and similar accessories to buildings, which are exempt from this height limitation.

E. Off-Street Parking and Loading.

Off-Street Parking. For each 1,000 sq. ft. of gross floor area in buildings, 5.5 off-street parking spaces shall be provided.

Off-Street Loading. Adequate off-street loading facilities separate from required off-street parking facilities shall be provided at the rear or side of or beneath the shopping center buildings.

F. Limitation on Signs. No sign intending to be read from off the premises shall be permitted except:

One sign with one square foot of surface area for each one lineal foot of lot adjacent to a public street for purpose of general identification of the entire premises, as "Shopping Center", in any event not to exceed 150 square feet. In addition, one sign with one square foot or surface area for each one lineal foot of building frontage, not to exceed 80 square feet.

Such signs shall refer only to the name and nature of the business conducted in the building and to goods and services offered, and shall be mounted flat against the wall or window of the building or on marquees or awnings. No sign may project more than one foot from the wall to which it may be attached.

Section 12. L-I - LIGHT INDUSTRIAL DISTRICT

The L-I Light Industrial District is established as a district in which the principal use of land is for industries which can be operated in a relatively clean and quiet manner and which will not be obnoxious to adjacent

land use. The regulations are designed to prohibit the use of land for heavy industry which should be properly segregated and to prohibit any other use which would substantially interfere with the development of industrial establishments in the district.

A. Permitted Uses.

Animal hospitals.  
Bakeries.  
Bottling plants.  
Building material sales.  
Clothing manufacturing plants.  
Construction contractor's offices and equipment storage.  
Electronic equipment manufacturing plants.  
Freight service.  
Parking lots for automobiles.  
Signs; accessory and independent.  
Storage yards (not including automobile salvage facilities), provided such yards are enclosed by a solid wall or fence at least six (6) feet in height.  
Warehouses.  
Uses and buildings customarily accessory to the above permitted uses.

B. Special Use.

After a Public Hearing, as required in Article II, Section 3, paragraph G-4, other uses may be permitted under a Special Use, if, in the opinion of the Zoning Authority, the proposed use is not offensive or incompatible in keeping with the character of the district.

C. Dimensional Requirements.

Lot Area. Minimum required lot area shall be 43,560 square feet or one (1) acre.

Lot Width. Minimum required lot width shall be one hundred (100) feet.

Yard Requirements.

Front Yard:	Structure:	50 feet
	Signs:	25 feet
	Off-Street Parking:	15 feet

The front 15 feet of the lot shall be left in natural condition or developed as landscaped.

Minimum required width of side yard shall be 15 feet.

Minimum required depth of rear yard shall be 25 feet.

Maximum Lot Coverage. The maximum lot coverage for principal structure and accessory buildings shall be 30%.

Building Height. No building shall exceed 35 feet in height except for flagpoles, antennas, chimneys and similar accessories to buildings, which are exempt from this height limitation.

D. Required Buffers. After the effective date of this Ordinance, the establishment of any industrial use in this industrial district where it abuts a lot in a residential district or land occupied by any residential use permitted by this Ordinance, shall provide and maintain along said property line a continuous visual buffer. The buffer shall be a compact evergreen hedge or other type of evergreen foliage screening, or shall be a combined fence and shrubbery screen, the latter facing the residential use.

E. Off-Street Parking and Loading. Off-street parking and loading shall be provided in accordance with the requirements in Article VIII, Sections 1 and 3.

#### Section 13. H-I - HEAVY INDUSTRIAL DISTRICT

The H-I Heavy Industrial District is established as a district in which the principal use of land is for heavy industries that by their nature may create some nuisance and which are not properly associated with nor compatible with residential, business, office and institutional and light industrial district.

##### A. Permitted Uses.

Any use permitted in the L-I Industrial District.  
Automobile wrecking and salvage operations and similar types of uses when conducted within an area enclosed by a solid wall or fence at least six (6) feet in height.  
Coal yards.  
Concrete manufacturing and storage.  
Farm machinery assembly, repair and sales.  
Feed, fertilizer and flour mills.  
Lumber and saw mills.  
Livestock sales pavillion.  
Paper, pulp, cardboard, building board or metal processing or manufacturing.  
Petroleum, bulk storage, provided all local and state fire codes are met.



Quarrying or mining.  
Railroad freight yards, terminals, and classification yards.  
Slaughterhouses.  
Uses and buildings customarily accessory to the above permitted uses.

B. Special Use.

After a Public Hearing as required in Article II, Section 3, paragraph G-4, other uses may be permitted under a Special Use, if, in the opinion of the Zoning Authority, the proposed use is not offensive or incompatible in keeping with the character of the district.

C. Dimensional Requirements.

Lot Area. Minimum required lot area shall be 43,560 square feet or one (1) acre.

Lot Width. Minimum required lot width shall be one hundred (100) feet.

Yard Requirements.

Front Yard: Structure: 50 feet  
Signs: 25 feet

Minimum required width of side yard shall be 15 feet.

Minimum required depth of rear yard shall be 25 feet.

Maximum Lot Coverage. The maximum lot coverage for principal structure and accessory buildings shall be 30%.

Building Height. No building shall exceed 35 feet in height except for flagpoles, antennas, chimneys and similar accessories to buildings, which are exempt from this height limitation.

D. Required Buffers. After the effective date of this Ordinance, the establishment of any industrial use in this industrial district where it abuts a lot in a residential district or land occupied by any residential use permitted by this Ordinance, shall provide and maintain along said property line a continuous visual buffer. The buffer shall be a compact evergreen hedge or other type of evergreen foliage screening, or shall be a combined fence and shrubbery screen, the latter facing the residential use.

E. Off-Street Parking and Loading. Off-street parking and loading shall be provided in accordance with the requirements in Article VIII, Sections 1 and 3.

## ARTICLE VI

### PLANNED UNIT DEVELOPMENT (PUD)

The planned unit development provision is intended for the flexible control of development, either single or mixed use, in any zoning district. In the case of development proposals where the existing or contemplated street, building, or lot layout make it impractical by reason of adverse topography to apply the requirements of this Ordinance to the plot of ground, the developer may seek approval under this Article.

#### Section 1. GENERAL GUIDELINES

The following are the guidelines for when a planned unit development zoning regulation is to be utilized.

- A. The location and design of the planned unit development shall be consistent with the comprehensive plan and with other plans for streets, utilities, parks, etc.
- B. The location and design of the planned unit development shall insure its compatible integration with developments on adjoining properties and should create an attractive, healthful and stable environment for living and working that is superior to the development attainable under separate zoning regulations.
- C. The dedication of land for proper usage and the reservation of land for common usage in a planned unit development shall be undertaken as follows:
  1. Each final development plan shall have its streets, parking areas, recreation open spaces, etc. provided according to the requirements of that plan or purpose and common use areas for the ultimate development shall be provided in the initial phase of the development master plan.
- D. Planned Unit development shall be defined as meeting all of the above criteria and also the following requirements:
  1. It shall be a development of land which shall be developed as a unified whole.
  2. It shall be for integrated projects planned as a whole and including, but not limited to: dwellings and related facilities, traveler's services, commercial centers,

industrial parks and urban renewal projects.

3. It shall be according to comprehensive and detailed plans which include streets, utilities, lots, site plans, floor plans and elevations for all buildings as intended to be located, constructed, used and related to each other and detailed plans for other land uses as related to the surrounding buildings.

#### Section 2. SUBMITTALS WITH PRELIMINARY APPLICATION

Applicants for rezoning to planned unit development shall submit to the Zoning Authority a preliminary plan covering the entire tract proposed for development and indicating existing conditions and development for an additional area including at least 200 feet from tract boundaries. This preliminary plan shall be drawn at a scale of 50 feet or 100 feet to the inch, shall indicate topography intervals, and shall show existing drainage and significant natural features.

This plan shall show with appropriate dimensions the arrangement of buildings and their uses, off-street parking and loading facilities, internal circulation, ingress and egress from adjoining streets, service areas and facilities, drainage systems, landscaping, fences and walls, the size, location, orientation and type of all signs proposed, proposed lighting of the premises, and relation to all property within 200 feet of the tract. If it is proposed to develop the planned unit development in stages, the stages and time of development shall be indicated.

This plan shall show the identity of property owners and evidence of unified control of property within the proposed planned unit development.

#### Section 3. PROCESSING PRELIMINARY APPLICATIONS

When a preliminary application has been filed, the Zoning Commission shall review it for compliance with the requirements of this Ordinance and shall make a finding as to whether the proposed change is in accordance with the objectives of the comprehensive plan. In the course of such review,

the Zoning Commission shall hold a Public Hearing as required in Article II, Section 3, paragraph G-4 and may require changes in the preliminary plan as a condition of Zoning Commission approval.

The Zoning Commission shall then transmit the application and the preliminary plans to the Zoning Authority, together with a recommendation as to approval, disapproval, desirable changes, and special conditions and safeguards, which recommendations may include suggested time limits within which all construction or specified stages of construction, or both, shall be started or completed.

#### Section 4. PROCEDURE FOR FINAL DEVELOPMENT PLAN.

After the Zoning Authority has approved preliminary plans with such changes and conditions and safeguards as the Zoning Authority may have included in the amendment, the official zoning district map shall be amended to designate as a zoning classification of the PUD district the tract covered by the preliminary development plan.

The applicant shall prepare a final development plan to be followed in construction operations and submit it to the Zoning Commission for approval, together with final drafts of all agreements, contracts, deed restrictions and other legal instruments pertinent to the implementation of the development plan. The final development plan may be submitted separately for the first and each successive stage of development.

## ARTICLE VII

### REGULATIONS GOVERNING MOBILE HOMES

The intent of the Mobile Home Regulations is to: (1) prevent overcrowding of the land; (2) provide adequate open area to assure privacy, natural light and ventilation for each mobile home; (3) provide sufficient open areas for outdoor uses essential to the mobile home; and (4) in general, to provide those amenities available in sound residential areas.

#### Section 1. LOCATION OF MOBILE HOMES

Locational requirements of mobile home, either on a permanent or temporary basis, are delineated below.

When two or more mobile homes are to be placed on a single lot, the Mobile Home Park District standards shall apply as set forth in Article V, Section 7 - Mobile Home Park. If the mobile home is to be placed within a Mobile Home Subdivision, the requirements of Article V, Section 6 - Mobile Home Subdivision shall apply.

#### Section 2. REQUIREMENTS FOR THE USE OF MOBILE HOMES ON INDIVIDUAL LOTS

##### A. Permanent Installation of Mobile Homes.

Location of mobile homes on a permanent basis are permitted in all districts except Industrial Districts, providing the following standards are met:

1. The construction of the mobile home shall comply with the Federal mobile home construction and safety standards in force at the time of manufacture.
2. The applicant shall submit written documentation from no less than 100% of adjacent property owners within 400 feet of the proposed location of the mobile home that they have no objection to the proposed use.
3. The mobile home unit shall be installed, anchored, and skirted to those standards currently enforced by the State of New Mexico Commerce and Industry Department, Mobile Housing Division.

4. Minimum requirements for lot size, and front, side and rear yards, and all other standards pertaining to single-family residential land use set forth in this Ordinance shall apply.

B. Temporary Placement of Mobile Homes.

Location of mobile homes on a temporary basis on individual lots is permitted in all districts, provided the following standards are met:

1. The applicant shall submit written documentation from no less than 75% of adjacent property owners within a 100 foot radius of the proposed location of the mobile home that they have no objection to the proposed use.
2. The rental or lease of mobile homes used as a temporary single-family residence on individual lots shall be prohibited.
3. Minimum requirements for lot size, front, side and rear yards and all other standards pertaining to single-family residential land use set forth in this Ordinance shall apply.

The Zoning Enforcement Officer shall establish, at the time of temporary permit approval, the duration for which the temporary permit is valid, provided however, that no permit shall be issued for a period of greater than one (1) year.

## ARTICLE VIII

### OFF-STREET PARKING AND LOADING

#### Section 1. OFF-STREET PARKING AND STORAGE

Off-street automobile parking or storage space shall be provided on every lot on which any of the following uses are hereafter established in all districts. In cases where no parking space can be reasonably provided on the same lot, such space shall be provided on any lots other than those zoned for residential purposes, a substantial portion of which is within five hundred (500) feet of such uses. If a vacant residentially-zoned lot abuts either directly or across an alley, the property desiring additional off-street parking, such residential property may be used for off-street parking, upon issuance of a Special Use permit by the Zoning Authority after review by the Zoning Commission provided the specifications provided in Section 2 of this Article are met. No Use Permit will be issued upon completion of any building or group of buildings unless and until all off-street parking and loading requirements, shown upon the plans shall be in place and ready for use. The required parking space for any number of separate uses may be combined in one lot but the required space assigned to one use may not be assigned to another use at the same time, except that one-half ( $\frac{1}{2}$ ) of the parking space required for churches, theaters or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at nights or on Sundays. Each automobile parking space shall not be less than two hundred (200) square feet in area, with appropriate dimensions for the parking of an automobile, exclusive of adequate access drives and maneuvering space. Such space shall be provided with vehicular access to a street or alley; such use shall not thereafter be encroached upon or altered and shall be

equal in number to at least the minimum requirements for the specific use set forth below:

USE CLASSIFICATION

PARKING SPACE REQUIREMENTS

Automobile sales and repair

One (1) space for each two employees at maximum employment on a single shift, plus two (2) spaces for each 300 square feet of sales and repair space.

Apartments or Multi-Family

One and one-half (1½) spaces for each dwelling unit.

Bowling alleys

Five (5) space for each alley.

All other commercial establishments not rated in this classification (retail and services).

One (1) space for each 200 square feet of gross useable floor area.

Churches and funeral homes

One (1) space for each four (4) seats in the main assembly room or chapel.

Elementary schools and junior high schools, both public and private

One (1) space for each classroom and administrative office.

Hospitals

One (1) space for each four (4) patient bids, plus one (1) space for each staff or visiting doctor, plus one (1) space for each four (4) employees.

Mobile Home Unit

Two (2) spaces for each mobile home.

Motels, tourist homes and tourist courts

One (1) space for each accommodation, plus two (2) additional spaces for employees.

Hotels

One (1) space for each one (1) accommodation, plus one (1) additional space for each three (3) employees.



Offices, professional, medical, business and public including banks

One (1) space for each 200 square feet of gross leaseable floor area, plus one (1) for every three (3) employees.

Places of public assembly including private clubs, lodges and fraternal buildings, not providing overnight accommodations, auditoriums, dance halls, theaters, gymnasiums, stadiums, armories, amusement parks, community centers, libraries, museums and all similar places of public assembly.

One (1) space for each four (4) seats provided for patron use, plus one (1) space for each 100 square feet of floor or ground area used for amusement or assembly but not containing fixed seats.

Rooming and boarding houses.

One (1) space for each two (2) guest rooms, plus one (1) additional space for the owner if resident on the premises.

Single-family dwellings.

Two (2) spaces for each dwelling unit.

Sanitariums, rest and convalescent homes, homes for the aged and similar institutions

One (1) space for each six (6) patient beds, plus one (1) space for each staff or visiting doctor, plus one (1) space for each four (4) employees.

Senior high schools and colleges, both public and private.

One (1) space for each ten (10) students for whom the school was designed, plus one (1) space for each classroom and administrative office.

Service or filling stations.

Two (2) space for each gas pump plus three (3) spaces for each grease rack or similar facility.

Shopping centers.

Five and one-half (5½) spaces per 1,000 square feet of gross leaseable area.

Wholesaling and industrial uses.

One (1) space for each two (2) employees at maximum employment on a single shift.

Section 2. SPECIAL USE PERMITS FOR NON-RESIDENTIAL OFF-STREET PARKING IN RESIDENTIAL ZONES

After the following design standards have been met and approved by the Zoning Commission, the Zoning Authority shall hold a Public Hearing before making a final decision in relation to the issuance of the Special Use permit for non-residential off-street parking in residential areas:

All off-street parking facilities shall be designed with appropriate means of access to a street or alley, as well as maneuvering areas.

A parking space shall be determined as the space required to park one (1) car and shall be not less than two hundred (200) square feet.

Parking areas shall be used for parking of automobiles only, with no sales, storage, repair work, dismantling, or service of any kind permitted.

Parking areas shall have adequate drainage, and shall be provided with bumper guards.

Where setback lines are required from the street, the setback area shall not be considered as part of the parking lots, but shall be properly seeded and landscaped.

All required parking shall be of such design and located so as to be convenient and readily usable by the patrons.

Sufficient area shall be provided within the property lines so that all vehicles may enter and leave in a forward motion.

A screen shall be required whenever a parking lot abuts or is opposite a residential zone. The design and material of a fence or screen not less than three (3) feet nor more than six (6) feet in height shall be approved by the Zoning Commission for the purpose of giving sufficient protection to the residential property owners from physical hazards and unsightliness.

All parking lots shall be constructed in such a manner that contamination by dust will not exist.

If night time parking is to be permitted, it shall be lighted, with the provision that the lights shall be shielded so as to prevent direct glare into adjacent residential property.

The duration of a Special Use permit issued under this section shall be from one (1) to five (5) years. Actual time limit is to be determined by the Zoning Authority after review of the applicant's plans for improvement. This permit may be revoked by the Zoning Authority after just cause is presented to the Special Use permit holders.

### Section 3. LOADING AND UNLOADING REQUIREMENT

The number of off-street loading berths required by this section shall be considered as the minimum, and the Zoning Commission shall evaluate whether space should be provided for shipping and unloading. Off-street loading berths shall have a minimum planned dimension of 12 feet x 25 feet and 14 feet overhead clearance with adequate means for egress and ingress.

Retail Business.

One (1) space of 300 square feet for each 5,000 square feet of floor area.

Wholesale and industry.

One (1) space of 500 square feet for each 10,000 square feet of floor area.

ARTICLE IX  
EXCEPTIONS, NON-CONFORMING USES, AND SPECIAL USES

Section 1. EXCEPTIONS AND MODIFICATIONS.

A. Lot of Record.

Where the owner of a lot consisting of one or more lots of official record in any district, at the time of the adoption of this Ordinance, or his successor in title thereto does not own sufficient contiguous land to enable him to conform to the minimum lot size requirements of this Ordinance, such lot may be used as a building site, provided however, that the other requirements of the district are complied with or a variance is obtained as provided herein.

B. Height Limitations.

The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy, monuments, water towers, observation towers, transmission towers, chimneys, smokestacks, conveyers, radio towers, flagpoles, television towers, masts, aerials and similar structures.

C. Visibility at Intersections.

On a corner lot in any residential district, no planting, structure, fence, wall or obstruction to vision more than three feet in height measured from the street center line shall be placed or maintained within the triangular area formed by the intersection of the street center lines and a straight line connecting points on said street center lines each of which is seventy five feet (one-hundred fifty feet for streets with dedicated rights-of-way of one hundred feet or greater) distant from the point of intersection. Open wire fences (chain link, hog wire, lawn fence, etc.)

up to four feet high are exempt.

D. Corner Lots.

In any residential, district, the side yard requirements for corner lots along the side street right-of-way shall be the same as the front yard requirement.

E. Placement of Accessory Buildings.

1. Accessory building may be built in a required rear yard but such accessory building shall not be nearer than ten (10) feet to the main building, nearer than five (5) feet to any side or rear lot line, or nearer than five (5) feet to any alley abutting the rear of the lot, nor shall any such accessory building occupy more than thirty (30) percent of the rear yard.

2. Accessory buildings which are to be used for storage purposes only, may be erected upon a lot prior to the construction of the main buildings, but no accessory building shall be used for a dwelling purpose except by domestic or farm and ranch servants employed on the premises.

3. Accessory buildings and uses, not attached to the main building or structure, shall be located not less than sixty (60) feet from the front lot line.

Section 2. NONCONFORMING USES.

A. Continuation of Nonconforming Uses.

Any land, building, structure or legal use of land, building or structure which does not meet the area, height or use requirements for the district in which it is located at the effective date of this Ordinance shall be deemed nonconforming and shall be subject to the following provisions:

1. Nonconforming Use of Land. Any nonconforming use of land

containing no buildings shall be terminated within five (5) years of the effective date of this Ordinance.

2. Nonconforming Building or Structure. Any building or structure nonconforming as to area, height and setback requirements may be altered or extended only in conformance with the terms of this Ordinance.

3. Nonconforming Use of Building or Structure. Any building or structure nonconforming as to use requirements may be continued subject to the following provisions:

a. No structure housing a nonconforming use may be structurally altered, extended or enlarged.

b. Repairs to structures housing nonconforming uses are limited to those required by a proper authority to render an unsafe structure safe, to replace portions deteriorated by everyday use and activity and the repair of damage caused by an act of God, fire, explosion of the public enemy, when such damage is equal to less than fifty percent of the structure's value in place.

c. Any nonconforming use of a building or structure may be continued provided that such use is not extended to other portions of the building occupied by conforming uses at the effective date of the Ordinance. Change of any nonconforming use shall be of a nonreverting nature. Change from one nonconforming use to another nonconforming use shall not be permitted.

B. Abandonment.

If a nonconforming use involving a structure is discontinued from active use for a period of one year, further use of the structure shall be for a conforming use. If a nonconforming use not involving a structure is discontinued from active use for a period of six months, further use of the property shall be for a conforming use.

C. Construction in Progress.

Nothing in this Ordinance shall require changes in the plans, construction or designated use of a building for which a lawful permit has been heretofore issued or which has been otherwise lawfully authorized,

and the construction of which shall have been actually begun within ninety days after this Ordinance becomes effective and which entire building shall be completed, as authorized, within two years thereafter.

Section 3. SPECIAL USES.

A. Conditions Governing Approval.

A Special Use shall not be granted by the Zoning Authority unless and until:

1. A written application for a Special Use is submitted indicating the section of this Ordinance under which the Special Use is sought and stating the grounds on which it is requested.
2. A public hearing is held pursuant to Article II, Section 3, Paragraph G-4 of this Ordinance.
3. The Zoning Authority shall make a finding that it is empowered under the section of this Ordinance described in the application to grant the Special Use, and that the granting of the Special Use will not adversely affect the public interest.

B. Appropriate Conditions and Safeguards.

In granting any Special Use, the Zoning Authority may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the Special Use is granted, shall be deemed a violation of this Ordinance and punishable under Article II, Section 3. The Zoning Authority shall prescribe a time limit within which the action for which the Special Use is required shall be begun or completed, or both.

ARTICLE X  
USE PERMITS

Section 1. USE PERMITS.

A. Establishment

1. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof, hereafter created, erected, changed, converted, or wholly or partially altered or enlarged in its use or structure until a Use Permit has been issued by the Extraterritorial Zoning Enforcement Officer, stating that the proposed use of the building or land conforms to the requirements of this Ordinance.

B. Application

1. An application for permit shall be submitted in such form as the Extraterritorial Zoning Enforcement Officer shall require.
2. Such application shall be made by the owner or lessee or agent of either, or the architect, engineer, or builder employed in connection with the proposed use. If such application is made by a person other than the owner in fact, it shall be accompanied by a duly verified affidavit of the owner in fact that the person making the application is authorized to make such an application.
3. Such application shall contain the full names and addresses of the applicant and the owner (and if the owner is corporate body, of its responsible officers).
4. Such application shall describe briefly the proposed use and shall give such additional information as may be required by the Enforcement Officer for an intelligent understanding of the proposed use.

C. Plans

1. Application for permits shall be accompanied by such drawings



of the proposed work, drawn to scale, including such flood plains, sections, elevations and structural details, as the Enforcement Officer may require.

D. Plot Diagrams

1. There shall also be filed a plot diagram showing the lot in a form and size suitable for filing permanently within the permit record, drawn to scale, with all dimension figures, showing accurately by the size and exact location of all proposed new construction or in the case of demolition, of such construction as is to be demolished and of all existing buildings and structures that are to remain.

E. Amendments

1. Nothing in this section shall prohibit the filing of amendments to an application or to a plan or other record, accompanying the same at any time before the completion of the use for which the permit was sought. Such amendment, after approval, shall be filed with and be deemed a part of the original application.

F. Construction in Progress

1. Nothing in this Ordinance shall require changes in the plans, construction or designated use of a building for which a lawful permit has been heretofore issued or which has been otherwise lawfully authorized, and the construction of which shall have been actually begun within ninety (90) days after this Ordinance becomes effective and which entire building shall be completed, as authorized, within two years thereafter.

G. Action Upon Application

1. It shall be the duty of the Enforcement Officer, to examine applications for Use Permits, within a reasonable time after filing. If, after examination, he finds no objection to the same and it appears that

the proposed use will be in compliance with the laws and ordinances applicable thereto, he shall approve such application and issue a permit for the proposed use as soon as practicable. If his examination reveals otherwise, he will reject such application, noting his findings in a report to be attached to the application and delivering a copy to the applicant.

H. Conditions of the Permit

1. All uses performed under a permit issued by the Enforcement Officer shall conform to the approved application and plans, and approved amendments thereof.
2. The location of all new construction as shown on the approved plat diagram or an approved amendment therefor, shall be strictly adhered to.
3. It shall be unlawful to reduce or diminish the area of a lot or plat of which a plat diagram has been filed and has been used as basis for a permit, unless a revised plat diagram showing the proposed change in conditions shall have been filed and approved, providing that this shall not apply when the lot is reduced by reason of a street opening or widening or other public improvement.

I. Signature Required

1. Every Use Permit issued by the Extraterritorial Zoning Enforcement Officer under the provisions of this Ordinance shall have his signature affixed thereto.

ARTICLE XI

CERTIFICATION OF ADOPTION

Section 1. HEARING

On the 10<sup>TH</sup> day of JULY, 1981 a public hearing was held by the Raton-Colfax County Extraterritorial Zoning Authority to consider the passage of Ordinance No. 81-1, the "RATON-COLFAX COUNTY EXTRATERRITORIAL ZONING ORDINANCE". All parties in interest and citizens had an opportunity to be heard. Notice of the date, time, and place of the hearing, and the Ordinance, were published in a newspaper of general circulation at least once a week for two (2) consecutive weeks prior to the date of the hearing.

Section 2. ADOPTION

On this the 10<sup>TH</sup> day of JULY, 1981 Ordinance No. 81-1, the "RATON-COLFAX COUNTY EXTRATERRITORIAL ZONING ORDINANCE" is hereby: PASSED, APPROVED, AND ADOPTED BY:

RATON-COLFAX COUNTY EXTRATERRITORIAL ZONING AUTHORITY

Waneta Dabovich  
Waneta Dabovich

Bruno Redolfi  
Bruno Redolfi

Don Romero  
Don Romero

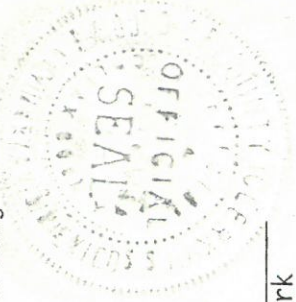


ATTEST:

Stella M. Lopez  
Stella Lopez, Colfax County Clerk

Section 3. FILING AND RECORDING

On this the 15<sup>th</sup> day of July, 1981 at 8:30 A.M., the original copy of Ordinance No. 81-1, the "RATON-COLFAX COUNTY EXTRATERRITORIAL ZONING ORDINANCE", together with proof of publication, and supporting map were filed for record in the office of the County Clerk of Colfax County, New Mexico.



Stella M. Lopez  
Stella Lopez, Colfax County Clerk

Section 4. EFFECTIVE DATE

This Ordinance shall take effect on the 14<sup>TH</sup> day of AUGUST, 1981 which shall be after the Ordinance has been recorded in that book kept by the County for that purpose.